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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/597,146	06/20/2000	Daiki Kadomatsu	00862.021941.	5114
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FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER	
			SHINGLES, KRISTIE D	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/597,146	Applicant(s) KADOMATSU, DAIKI
	Examiner KRISTIE D. SHINGLES	Art Unit 2441

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(o).

Status

- 1) Responsive to communication(s) filed on 05 December 2008.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 32,34,35,37 and 39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 32,34,35,37 and 39 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO/SB/CC)
 Paper No(s)/Mail Date 12/5/08
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____
- 5) Notice of Informal Patent Application
 6) Other: _____

DETAILED ACTION

Response to Amendments

Claims 32, 34, 37 and 39 have been amended.
Claims 1-31, 33, 36, 38 and 40 have been cancelled.

Claims 32, 34, 35, 37 and 39 are pending.

Response to Arguments

I. Applicant's arguments with respect to claims 32, 34, 35, 37 and 39 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

II. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

III. **Claims 32, 34, 35, 37 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carnahan (US 5,414,780) in view of Ohmori (US 6,160,640) in further view of Kawano et al (US 6,219,454).**

a. **Per claim 32,** Carnahan teaches a color facsimile apparatus comprising:

- a reading unit constructed to read an image (*col.5 lines 48-67, col.10 lines 58-67*);
- a generating unit constructed to generate a plurality of image data representing the image (*col.6 lines 1-43, col.7 lines 14-47, col.10 lines 24-32*);

- buffering unit constructed to store at least a portion of plurality of the image data generated by said generating unit in a buffer (*col.5 lines 46-67, col.7 line 67-col.8 line 4, col.8 lines 40-56, col.12 lines 36-61*);
- compressing unit constructed to sequentially execute JPEG compression processing for each minimum coded unit of the extracted image data including the minimum coded unit of the extracted image data in which the transmission information is overwritten (*col.11 lines 1-20, col.11 line 58-col.12 line 14*);
- a storing unit constructed to store compressed data output by said compressed unit in a memory (*col.7 line 48-col.8 line 4, col.10 lines 24-32, col.12 lines 36-61*); and
- a transmitting unit constructed to transmit a JPEG image data based on the compressed data stored in the memory (*col.11 line 58-col.12 line 14, col.12 lines 49-61, col.14 lines 22-30*).

Yet *Carnahan* fails to explicitly teach a line buffering unit storing at least a portion of the plurality of line image data; an expansion unit constructed to expand the character code set into an expanded character code set; an extracting unit constructed to sequentially extract an amount of the line image data equivalent to the number of lines of the minimum coded unit for JPEG compression processing from the line buffer unit; an overwriting unit constructed to overwrite transmission information of image data for a page header or page footer in at least one respective line of extracted image data extracted by said extracting unit with the converted character code set when the at least one respective line of the extracted image data is image data corresponding to a header portion or footer portion in the image; wherein the JPEG image data includes the compressed data of the transmission information. However, *Ohmori* teaches sequential line extraction of the image data and pixels for compression from the line memory buffers, wherein image data is shifted from the current line memory, to the immediate preceding line memory and then to the second preceding line memory (*col.3 lines 21-31, col.3 line 43-col.4*

line 47, col.7 line 60-col.8 line 35, col.11 lines 12-28). Ohmori further teaches an expanding unit for expanding the image data (col.10 lines 38-61, col.11 lines 12-51).

Furthermore Kawano *et al* teaches line buffering for storing portions of a plurality of line image and header buffering text, coded and compressed data (*col.8 lines 18-60, col.10 lines 13-34, col.12 lines 32-46*); an expansion section for expanding the compressed data (*col.4 lines 35-62, col.11 lines 38-65, col.12 lines 19-31 and 47-65, col.14 lines 21-30, col.14 line 61-col.15 line 13*); overwriting means for overwriting transmission information of image data for a page header or page footer in the unit of extracted image data extracted by said extracting means when the unit of the extracted image data is a unit of the extracted image data corresponding to a header portion or footer portion in the image, and provisions for JPEG compression of the image data and header data (*Figure 12B, col.2 lines 3-45, col.4 lines 12-34, col.5 line 54-col.6 line 26, col.6 line 52-col.8 line 30, col.9 line 40-col.11 line 45, col.12 line 66-col.13 line 35, col.18 lines 30-57*); and a conversion unit for converting the expanded compressed data to the selection data set of minimum compression process (*col.4 line 63-col.6 line 10, col.9 line 40-col.10 line 11, col.14 lines 13-20, col.16 lines 30-62*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Carnahan with Ohmori and Kawano *et al* for the purpose of line buffering, an expansion unit and conversion unit while extracting the image data sequentially on a pixel/line basis in order to efficiently reproduce the image properly, while overwriting the header or footer transmission information in the extracted image data for in order to safeguard the integrity of the transmission information from tampering by including it as a part of the image body itself. These features are well-known in the art of facsimile

communication and are therefore obvious for arriving at the predictable result of the claimed invention.

b. **Claims 37 and 39** contain limitations that are substantially similar to claim 32 and are therefore rejected under the same basis.

c. **Per claim 34,** *Carnahan* with *Ohmori* and *Kawano et al* teach the color facsimile apparatus according to claim 32, *Kawano et al* further teach further comprising a determining unit constructed to determine whether the amount of the line image data of the extracted data is the amount of the line image data of the extracted image data corresponding to a header portion or footer portion in the image, and wherein said overwriting unit overwrites the transmission information in the amount of line image data of the extracted data according to a determination of said determining unit (*col.4 lines 35-62, col.8 lines 18-60, col.10 line 13-col.11 line 2, col.12 lines 32-46, col.16 liens 51-59; Ohmori—col.8 lines 28-44*).

d. **Per claim 35,** *Carnahan* with *Ohmori* and *Kawano et al* teach the color facsimile apparatus according to claim 32, *Kawano et al* further teach wherein the transmission information indicates at least one of a date, a time, and a number of pages (*col.3 line 59-col.4 line 34, col.10 line 58-col.11 line 2; Ohmori—col.7 line 60-col.8 line 20*).

Conclusion

IV. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure: Medina (6407828), Silverbrook et al (7369270), Makitani et al (6229620), Iida (6671063).

V. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie D. Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday 8:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Kristie Shingles
Examiner
Art Unit 2441*

*/KDS/
/William C. Vaughn, Jr./*

Supervisory Patent Examiner, Art Unit 2444